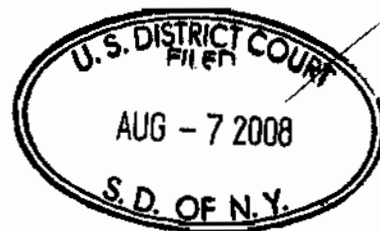


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
RANDY REEVES,

Plaintiff,

- against -

JANE DOE N.Y.C. 6TH PRECINCT
(NARCOTICS); JOHN DOE N.Y.C. 6TH
PRECINCT (NARCOTICS); N.Y.C.
POLICE DEPARTMENT; MANHATTAN
6TH PRECINCT,

Defendants.
-----X

08 Civ. 2205 (TPG)

ORDER

Pro se plaintiff Randy Reeves, currently incarcerated at Attica Correctional Facility, brings the above-captioned 42 U.S.C. § 1983 action. In the complaint, plaintiff alleges that he was assaulted by two New York City police officers from the 6th Precinct narcotics division while on Sullivan Street in Manhattan, N.Y. on September 19 or 20. The alleged assault presumably occurred in the year 2007, though this is not specified in the complaint. Plaintiff alleges that a female officer kicked him in the face twice, and that a male officer slammed his head into a brick wall and onto the pavement. As a result, plaintiff alleges he sustained several injuries.

Plaintiff has recently informed the Court by letter that he is having trouble serving the defendants. In the complaint, plaintiff names as defendants Jane Doe and John Doe, and writes that he has been unable to find further information about the officers' identities. He also states

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that he has been unable to locate an address for the 6th Precinct, as the correctional facility's law library is missing the book holding addresses of government agencies and his request for help from Legal Aid Society has gone unanswered. Plaintiff also tried to serve defendants at the 6th Precinct, but did not list a specific address for the precinct so the United States Marshals Service returned the summons and complaint to him.

As a preliminary matter, the 6th Precinct and the N.Y.C. Police Department ("N.Y.P.D.") are listed as additional defendants in the complaint. Because the 6th Precinct and N.Y.P.D. are agencies of the City of New York, they may not be sued independently in a 42 U.S.C. § 1983 action. See Lauro v. Charles, 219 F.3d 202, 205 n.2 (2d Cir. 2000). Under the New York City Charter, "all actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise provided by law." NYC Charter § 396. For this reason, plaintiff's claims against the 6th Precinct and N.Y.P.D. are dismissed pursuant to 28 U.S.C. § 1915A(b).

However, plaintiff may still proceed with his case against the two unidentified police officers. In Valentin v. Dinkins, 121 F.3d 72 (2d. Cir. 1997), the Second Circuit held that a district court has a duty to assist a *pro se* litigant in identifying defendants. Thus, the Court now requests that the Office of the Corporation Counsel of the City of New York ascertain the full names and badge numbers of the two police officers

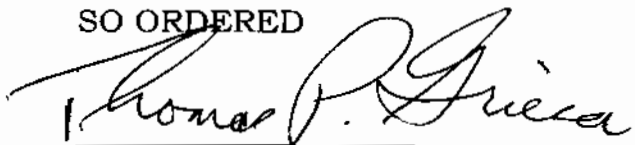
from the 6th Police Precinct involved in the events alleged to have occurred on September 19 or 20. Corporation Counsel is also requested to provide the addresses where these defendants can be served. Corporation Counsel need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which plaintiff may name and properly serve the defendants.

The Corporation Counsel is requested to produce the information within 45 days of the date of this Order. Once the identifying information and addresses have been received by plaintiff, plaintiff must file an amended complaint identifying the John Doe defendants. At this point, a new summons will issue and the Pro Se Office should send plaintiff the requisite paperwork to have the United States Marshals Service serve the defendants. Plaintiff's failure to file an amended complaint within 60 days of receiving the identifying information from Corporation Counsel may result in dismissal of the complaint.

The Clerk of Court is directed to send copies of this Order, the complaint, and plaintiff's letters dated June 17, 2008 and July 17, 2008 to the Office of the Corporation Counsel of the City of New York.

Dated: New York, New York
August 05, 2008

SO ORDERED

A handwritten signature in black ink, appearing to read "Thomas P. Griesa", written over a horizontal line.

Thomas P. Griesa
U.S.D.J.